

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 5945 of 2007**

Jagdish Prasad Chakradhari, S/o PolIndu Prasad Chakradhari, Aged about 53 years, R/o Village Kausabel, Tahsil Bagicha, District Jashpur (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh Through the Secretary, Department of Education Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. Block Development Officer, T.D. Block, Kausabel, Distt. Raigarh (C.G.)

---- **Respondents**

For Petitioner : Mr. Animesh Verma, Advocate.
 For Respondents /State : Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/07/2017**

(1) The petitioner has filed this petition challenging the order dated 01.03.2006 and 16.03.2007 by which the petitioner's date of birth has been held to be on 1.12.1941 and on the basis of which, his retirement on 1.1.2004 has been held to be correct.

(2) Learned counsel for the petitioner would submit that such a determination is contrary to the law and, therefore, it is liable to be set aside.

(3) On the other hand, counsel for the State support the impugned orders.

(4) I have heard learned counsel for the parties and perused the order impugned with utmost circumspection.

(5) The respondents has filed the return supported by affidavit in which copy of birth register has been filed as Annexure R-1 in which, petitioner's date of birth has been shown as 1.12.1941; Dakhil Kharij register has been filed in which, petitioner's date of birth has also been recorded as 1.12.1941; and even in the examination results of Class –I, the petitioner's date of birth has been shown as 1.12.1941; and in the examination result of class – II, in which petitioner's date of birth has been recorded as 1.12.1941 at serial No. 8 and no rejoinder has been filed against those documents filed in the return.

(6) Thus, there is overwhelming evidence available on record to show the date of birth of the petitioner recorded by the respondents authorities as 1.12.1941 and it cannot be held to be illegal and contrary to the record, thus, I do not find any jurisdictional error in the order impugned warranting interference by this Court in the instant writ petition.

(7) Thus, the writ petition fails and is hereby dismissed. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-